

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JANET S. SPEARS,

Civil No. C05-5333-RBL

Plaintiff,

vs.

ORDER

JO ANNE B. BARNHART,
Commissioner of Social Security,

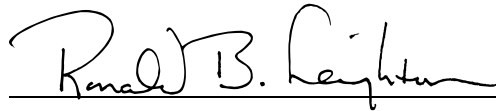
Defendant

Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case be REVERSED and REMANDED for further administrative proceedings, including a de novo hearing. The administrative law judge (ALJ) will further evaluate Plaintiff's 2002-2003 work activity with the Division of Vocational Rehabilitation, pursuant to 20 C.F.R. §§ 416.973, 974. In doing so, the ALJ will consider the June 18, 2004 statement by DVR supervisor Nina Cuic and other information in the record suggesting that the work may not have been substantial gainful activity. The ALJ will re-evaluate Plaintiff's credibility to include consideration of Ms.

1 Cuic's statement. The ALJ will re-evaluate Plaintiff's residual functional capacity during the
2 entire period at issue, and as necessary, whether she could perform any of her past relevant work
3 or other work in the national economy. The ALJ will take any other actions necessary to develop
4 the record and issue a new decision. Plaintiff will be afforded the opportunity to submit additional
5 evidence and argument.
6

7 This case is reversed and remanded on the above grounds pursuant to sentence four of
8 42 U.S.C. § 405(g), and Plaintiff is entitled to reasonable attorney's fees and costs pursuant to
9 28 U.S.C. § 2412(d), upon proper request to this Court.
10

11 DATED this 20th day of December, 2005.

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13

14 RONALD B. LEIGHTON

15 UNITED STATES DISTRICT JUDGE

16 Recommended for Entry:

17 s/ Karen L. Strombom
18 UNITED STATES MAGISTRATE JUDGE
19

20 Presented by:

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